IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2565 OF 2005

Rakesh Ramesh Pawar ..Petitioner.

Vs.

Union of India ..Respondent.

....

Mr.R.A.Shaikh for the Petitioner.

Mr.V.H.Kantharia for the Respondent.

....

CORAM : A.P.SHAH

DR.D.Y.CHANDRACHUD, JJ.

15th June, 2005.

P.C. :

Leave to amend.

Rule. Respondents waive service. By consent, petition is taken up for hearing.

The Petitioner is a holder of passport No.A-2654331 issued on 21st January, 1997 at Mumbai. The Petitioner claims that in the said

passport the date of birth of the Petitioner is correctly recorded, but the place of birth is wrongly recorded as Mumbai. The Petitioner further claims that his place of birth is Village Phalsap, Taluka Mhasla, District Raigad. In support of his case, the Petitioner has produced the birth certificate as well as the school leaving certificate which is annexed at Exhibits B and C to the Petition.

At present the Petitioner is working in U.S.A. It appears that the Petitioner had applied to the Consulate General of New York for correcting the place of birth in the passport. But he has been asked by the Consulate to obtain a declaratory order from the Court in India making necessary correction in the record.

After going through the material produced on record, we are satisfied that an error has crept in the passport while recording the place of birth of the Petitioner. It is seen from the birth certificate and the school leaving certificate that the Petitioner’s place of birth is Phalsap, Taluka Mhasla, District Raigad and not Mumbai.

Accordingly, we make the rule absolute in terms of prayer clause (a)-1 which reads as follows:

> "That this Hon'ble Court be pleased to declare that the Petitioner's correct place of birth is village Phalsap, Tal.Mhasla, Dist. Raigad in the State of Maharashtra and direct the Respondent i.e. the Vice-Consul, Consulate General of India, New York, to correct the error in the Petitioner's Passport No.A-2654331 and to issue a new Passport accordingly."

.....